

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

---

UNITED STATES OF AMERICA,

CR15-40070

Plaintiff,

AMENDED

FACTUAL BASIS STATEMENT

vs.

NATHANUEL WALTER DOWNS

Defendant.

---

The undersigned parties stipulate that the following facts are true and establish a factual basis for the plea in the action pursuant to Federal Rules of Criminal Procedure 11(b)(3):

On April 10, 2015, Nathaniel Walter Downs, defendant herein, responded to an advertisement posted on backpage.com placed by law enforcement as part of an online sting operation. On April 10, 2015, using the email address of "trancelucent712@hotmail.com, the defendant began corresponding with undercover law enforcement officers via email while using his Samsung cellular telephone. During some of the email correspondence with undercover officers, Downs was in the state of Iowa. At approximately 2:00 a.m., Downs indicated he would like to meet at 2:15 a.m. to have sex with a 15-year-old girl for the price of \$150. Downs did not know he was corresponding with law enforcement or that the 15 year-old girl did not exist.

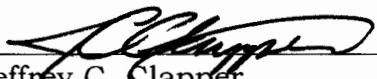
Instead, Downs thought he was corresponding with the minor's step-father. In the early hours of April 11, 2015, Downs traveled from Iowa to Sioux Falls, South Dakota, with the intention of having illicit sexual conduct with a 15-year-old female. Downs went to the agreed upon location in Sioux Falls, South Dakota, and was arrested by law enforcement, all in violation of 18 U.S.C. § 2423(b).

The defendant further stipulates and agrees that the following property was used or intended to be used in the commission of the offense described above:

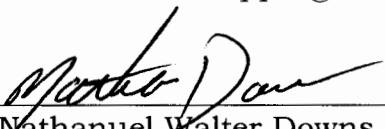
1. Samsung Galaxy S5 cellular telephone;
2. \$160.00 in U.S. currency.

RANDOLPH J. SEILER  
United States Attorney


April 21, 2016  
Date

  
Jeffrey C. Clapper  
Assistant United States Attorney  
P.O. Box 2638  
Sioux Falls, SD 57101-2638  
Telephone: (605)357-2351  
Facsimile: (605)330-4410  
E-Mail: Jeff.Clapper@usdoj.gov

4-20-16  
Date

  
Nathaniel Walter Downs  
Defendant

4/20/16  
Date

  
Ryan Kolbeck  
Attorney for Defendant